

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

XEZAKIA ROUSE,

Petitioner,

v.

No. 11-cv-0405 JCH/SMV

ANTHONY ROMERO,

Respondent.

ORDER DENYING EXPEDITED MOTION FOR IMMEDIATE JUDGMENT

THIS MATTER is before the Court on Petitioner's Expedited Motion for Expedited Declaratory and/or Summary and or Directed Immediate Judgement [sic] [Doc. 69] ("Motion"), filed on November 6, 2012. In his Motion, Petitioner asks that the Court "provide the relief, in full, asked for in the original Petition." Motion [Doc. 69] at 1. Respondent has filed no response, and none is needed. The Court, being fully advised in the premises, finds that the Motion is not well-taken and should be DENIED.

Petitioner appears confused regarding the effect of the recent orders from the Tenth Circuit Court of Appeals. *See id.* Because the Court of Appeals granted a certificate of appealability and remanded the case on two issues, Petitioner erroneously concludes that he is entitled to "immediate judgement [sic]." *Id.* Of course, at this juncture, he is not entitled to immediate judgment. Rather, consideration of the two remaining issues in light of the state-court record is warranted and will be undertaken in due course.¹

¹ A status conference is set for December 13, 2012.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Petitioner's Expedited Motion for Expedited Declaratory and/or Summary and or Directed Immediate Judgement [sic] [Doc. 69] is **DENIED**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is positioned above a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge